

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TECHNICAL SALES, INC.,

Plaintiff,

vs.

Civ. No. 05-556 ACT/DJS

DRESSER, INC.,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on its Memorandum Opinion and Order of December 21, 2007 [Doc. 164] which granted sanctions against TSI. In the Memorandum Opinion and Order, the court ordered “[C]ounsel for Dresser and Grant Thornton to file affidavits itemizing the time, attorneys’ fees and costs incurred in preparing for and attending the show cause hearing on November 13, 2000...”

Counsel for Dresser, Inc. file an affidavit on January 4, 2008 [Doc. 172]. TSI filed a response on January 14, 2008, stating, *inter alia*, that it “does not dispute that Dresser’s attorneys’ charged Dresser the amount outlined in Mr. Harris’s (sic) letter in connection with the November 13, 2007, show cause hearing.” As TSI has no objection to the amount of attorneys’ fees in Dresser’s affidavit and the Court finds them reasonable, the Court will order that TSI pay the attorneys’ fees to Dresser.

Counsel for Grant Thornton filed an affidavit on January 7, 2008 [Doc. 174]. Counsel stated that it has billed Grant Thornton \$16,441.56 for preparing for and attending the show cause hearing and will bill Grant Thornton an additional \$500 for preparation of the affidavit. TSI filed a response

on January 17, 2008 and objected stating that the charges were excessive. [Doc. 178.] The Court agrees the requested fees are excessive.

Grant Thornton's affidavit includes time outside the scope of the Court's order. It includes time to "inform the Court of TSI's nonpayment and attempts to secure judicial intervention." [Doc. 164.] Grant Thornton's Response to the Order to Show Cause [Doc. 150] was essentially an outline of the invoices at issue. Charges of \$9,102.00 for 39.6 hours of work for the Response and preparation for the hearing is excessive. In addition, Grant Thornton's affidavit claims charges of 10.4 hours to attend a 3 hour hearing. The second attorney and post hearing research are not reasonable.

For the foregoing reasons, the Court will allow Grant Thornton's fees as follows:

- | | | |
|----|---|-----------------|
| 1. | Preparation for show cause hearing: | |
| | Dennis Jontz--10 hours at \$295.00 | \$2950.00 |
| | Felicia J.M. Taghizadeh--10 hours at \$175.00 | \$1750.00 |
| 2. | Attend show cause hearing: | |
| | Dennis Jontz--3 hours at \$295.00 | \$885.00 |
| | Gross receipts tax | <u>\$383.96</u> |
| | Total | \$5968.96 |

IT IS THEREFORE ORDERED that TSI pay Defendant Dresser, Inc. \$5,484.83 and Grant Thornton \$5,968.96 within thirty (30) days of entry of this Order.


 ALAN C. TORGERSON
 UNITED STATES MAGISTRATE JUDGE,
 PRESIDING